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8 | **UNITED STATES DISTRICT COURT**

9 | **SOUTHERN DISTRICT OF CALIFORNIA**

10

11 | COLLEGESOURCE, INC., a California)   CASE NO.   **08-CV-1987 C (MDD)**
corporation,)
12 |)   **DECLARATION OF STAN NOVAK IN**
      Plaintiff,)   **SUPPORT OF PLAINTIFF'S MOTION**
13 |)   **FOR PARTIAL SUMMARY**
    v.)   **JUDGMENT**
14 | ACADEMYONE, INC., a Pennsylvania)
corporation,)
15 |)
      Defendant.)
16 | _____)

17

18

19 | Date: February 8, 2013
      Time: 1:30 p.m.
20 | Courtroom: TBA
      Judge: Hon. Gonzalo P. Curiel

21

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1 I, STAN NOVAK, declare:

2   1.   I have personal knowledge of the facts in this declaration. If called to testify, I would

3 and could testify competently thereto.

4   2.   I am the Director of Operations for plaintiff CollegeSource, Inc. ("CollegeSource"). I

5 have worked at CollegeSource since 2003.

6 CollegeSource's Digitized Information

7   3.   Since at least 2003 to present, CollegeSource has offered its database of whole .pdf

8 digital college catalogs online through a service it calls **"CollegeSource Online"** through the Internet

9 through http://cso.collegesource.com or through www.collegesource.com.   CollegeSource's catalogs

10 are restricted by terms of use on: (1) its .pdf catalogs; (2) its website; and (3) subscriber agreements.

11 Currently, the "CollegeSource Online" database has nearly 67,000 digital college catalogs collected by

12 CollegeSource (or its predecessor) over the decades.

13 CollegeSource's Catalog Terms Of Use

14   4.   The Abobe embedded security code used by CollegeSource forces each catalog to be

15 opened to CollegeSource's "Splash Page" (page 1). The "Splash Page" contains the name of the

16 educational institution, identifies the catalog as coming from CollegeSource, and invites the user to

17 visit CollegeSource's web site.   The **entire second page** consists of the Catalog Terms of Use.

18   5.   The following terms of use appear on the second page of every .pdf college catalog in

19 CollegeSource's collection (the **"Catalog Terms of Use"**):

20 This means you may NOT:
   *   distribute digital catalog files to others,
21 *   "mirror" or include digital catalog files on an Internet (or Intranet) server,
   *   modify or re-use digital catalog files without the express written consent of
22   CollegeSource® and Career Guidance Foundation and the appropriate school.

23 You may:
   *   print copies of the information for your own **personal use**,
24 *   store the files on your own computer for **personal use** only, or
   *   reference this material from your own documents.

25
   CollegeSource® and Career Guidance Foundation **reserves the right to revoke such**
26 **authorization at any time**, and any such use shall be discontinued immediately upon
   written notice from CollegeSource® and Career Guidance Foundation.

27

28

1 CollegeSource's Website Terms Of Use

2   6.   CollegeSource's websites (in addition to each *whole* catalog) contain terms of use in

3 conspicuous locations, such as by a link on the Home Page, such that a visitor to the websites is on

4 notice of said terms and that the authorization to view and use CollegeSource's digitized information

5 is restricted (the **"Website Terms of Use"**). The Website Terms of Use include terms substantively

6 identical to the Catalog Terms of Use.

7 CollegeSource's Subscription Terms Of Use

8   7.   CollegeSource also places limitations on the use of the Digitized Information through a

9 Subscription Agreement, to which a user must agree in order to obtain a free "demo" or paid

10 subscription to access CollegeSource's Digitized Information (the **"Subscription Terms of Use"**).

11 The Subscription Terms of Use provide, *inter alia*:

12   This Subscriber Agreement and Terms of Use govern your use of CollegeSource Online,
        TES, and, unless other terms and conditions expressly govern, **any other electronic**
13   **services from CollegeSource, Inc.** that may be made available from time to time (each,
        a "Service", and collectively the "Services").

14
        To the extent you have access to, or are using, a Service without having both completed
15   CollegeSource, Inc.'s registration process, you are hereby notified that **your continued use**
        of a Service is nevertheless subject to the terms and conditions of this Agreement.
16
                                    *   *   *   *
17   LIMITATIONS ON USE.

18   a. Only one individual may access a Service at the same time using the same user name or
        password, unless CollegeSource, Inc. agrees otherwise.
19
        b. The text, graphics, images, video, design, course description data, PDF college catalogs,
20   information, organization, compilation, look and feel, advertising and all other protectable
        intellectual property, and all improvements, suggestions, and derivations thereto and
21   thereof (collectively, the "Content") available through the Services is CollegeSource, Inc.'s
        property and is protected by copyright and other intellectual property laws.   Unless you
22   have CollegeSource, Inc.'s written consent, **you may not sell, publish, broadcast,**
        distribute, retransmit the information obtained through any Service, or otherwise
23   **provide access to the Content received through the Services to anyone**, including, if
        applicable, your fellow students or employees, with the following two exceptions:
24   (i) You may distribute course description data from a Service in non-electronic
                form to a few individuals for your own **personal, non-commercial use**, without
25   charge, provided you include all copyright and other proprietary rights notices in
                the same form in which the notices appear in the Service, original source
26   attribution, and the phrase "Used with permission from CollegeSource, Inc."
                (ii) You may use CollegeSource, Inc.'s "E-mail" service to e-mail course
27   description data from a Service to a few individuals for your own personal,
                non-commercial use, without charge. You are not permitted to use this
28   service for the purpose of regularly providing other users with access to
                content from a Service.

1 c. You agree not to rearrange or modify the Content. **You agree not to create abstracts from, scrape or display data from the Content for use on another web site or service**. You agree not to post any of the Content from the Services to weblogs, newsgroups, mail lists or electronic bulletin boards, without CollegeSource, Inc.'s written consent. To request consent for this and other matters, please contact CollegeSource Customer Service.

2

3

4 d. CollegeSource, Inc has expended considerable time, effort, money and expertise to compile its data. CollegeSource, Inc. has implemented suitable precautions to detect unauthorized use of catalogs, course descriptions, lists etc. including seeding data to detect unlawful duplication, sale and re-use.

5

6

7 e. **You agree not to use the Services for any unlawful or unauthorized purpose**. CollegeSource, Inc. reserves the right to terminate or restrict your access to a Service if, in its opinion, your use of the Service does or may violate any laws, regulations or rulings, infringe upon another person's rights or violate the terms of this Agreement. Also, CollegeSource, Inc. may refuse to grant you a user name that impersonates someone else, is protected by trademark or other proprietary right law, or is vulgar or otherwise offensive.

8

9

10 (Emphasis added)

11 Summaries from Documents Produced In Discovery Showing Defendant's Access To CollegeSource's Catalogs

12

13 8.   I prepared summary charts showing certain fields/data contained in voluminous

writings produced by plaintiff CollegeSource and/or defendant AcademyOne, Inc. ("A1") that cannot

14 be conveniently examined in court.   I understand that defendant A1's attorney or its expert has been

15 provided the native Excel file used to create these summary charts and the underlying Bates numbered

16 documents referenced herein. I created the Excel file to hyperlink to specific Bates numbered

17 documents produced by the parties.

18 9.   Attached hereto as **Exhibit A** is a summary chart titled "reconciled_lists." This

19 summary chart is a comprehensive list showing college catalogs (by name and year) where defendant

20 A1 has accessed plaintiff CollegeSource's .pdf catalogs as reflected in various summary subcharts

21 indicated in Columns B - O. Columns B - O summarize facts in tabs/spreadsheets attached hereto as

22 Exhibits B - O.

23 10.   The **Exhibit A** (reconciled_lists) summary chart reflects that 1,530 .pdf catalogs of

24 plaintiff CollegeSource were accessed and/or used without permission by defendant A1.

25 a.   Column B (collectiontargets) summarizes fields/data on **Exhibit B** attached

26 hereto. I used an "X" to denote instances where CollegeSource's computer server in

27 California was accessed with respect to the corresponding .pdf college catalog. This

28 column summarizes 329 instances of Internet URL links containing

1   "www.███████" to CollegeSource's computer server.

2   b.   Column C (Screenshots) summarizes fields/data on **Exhibit C** attached hereto.

3   I used an "X" to denote instances where CollegeSource .pdf catalogs were posted on

4   defendant A1's website in April, 2007. This column summarizes 720 instances where

5   CollegeSource .pdf catalogs were posted on defendant A1's website in April, 2007.

6   c.   Column D (783 - 2007) summarizes fields/data on **Exhibit D** attached hereto. I

7   used an "X" to denote instances where defendant A1's China Team admitted to 783

8   CollegeSource .pdf catalogs that defendant's China Team provided to defendant A1.

9   d.   Column E (623 - 2010) summarizes fields/data on **Exhibit E** attached hereto. I

10   used an "X" to denote 623 instances of .pdf catalogs where David Stanley, of defendant

11   A1, admitted in his declaration [Docket No. 46-2] he believed were linked to

12   CollegeSource's website.

13   e.   Column F (scrapingevidence) summarizes fields/data on **Exhibit F** attached

14   hereto. I used an "X" to denote 8 instances where course descriptions posted on

15   defendant A1's website contained "watermarking" (hidden page-level text), "salting"

16   (hidden course-level text), or "seeding" (alternative spellings of words) from

17   CollegeSource's .pdf catalogs.   CollegeSource began using such markings in response

18   to catching defendant A1 posting whole CollegeSource catalogs in April, 2007.

19   f.   Column G (FileAccessHistories) summarizes fields/data on **Exhibit G** attached

20   hereto. I used an "X" to denote 30 instances where file paths on defendant A1's

21   computers indicate file directories named either "████████" and/or "█

22   ███."

23   g.   Column H (A1PDF MetaData) summarizes fields/data on **Exhibit H** attached

24   hereto. I used an "X" to denote 33 instances where metadata on .pdf catalogs produced

25   by defendant A1 contained CollegeSource metadata ("author" field contained "Career

26   Guidance Foundation" or "CollegeSource, Inc.").

27   h.   Column I (WATER) summarizes fields/data on **Exhibit I** attached hereto. I

28   used an "X" to denote 2,514 instances where course descriptions on defendant A1's

1   database contained the identical or substantially similar phrase:

2   Copyright & Disclaimer Information: Copyright   1994, 1995,

3   1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005,

4   2006, 2007, 2008. CollegeSource, Inc. and Career Guidance

5   Foundation. CollegeSource digital catalogs are derivative works

6   owned and copyrighted by CollegeSource, Inc. and Career

7   Guidance Foundation.

8   CollegeSource began using such watermarks in response to catching defendant A1

9   posting whole CollegeSource .pdf catalogs in April, 2007.

10   i.   Column J (SEED) summarizes fields/data on **Exhibit J** attached hereto. I used

11   an "X" to denote 1,141 instances where course descriptions on defendant A1's database

12   contained "seeds" (alternative spellings of words) from CollegeSource's .pdf catalogs.

13   CollegeSource began using such "seeds" in response to catching defendant A1 posting

14   whole CollegeSource .pdf catalogs in April, 2007.

15   j.   Column K (IP - Bellmore U/P) summarizes fields/data from CollegeSource

16   available server logs that show access to CollegeSource .pdf catalogs through the

17   unauthorized use of CollegeSource subscriber Bellmore Memorial Library's

18   username/password by IP addresses associated with defendant's "A1ChinaTeam"

19   (denoted by a "c") , defendant (denoted by an "a") and defendant's law firm (denoted by

20   a "d").   Excerpts of entries from CollegeSource's available server logs showing access

21   to .pdf catalogs are reflected in **Exhibit K** ("A1ChinaTeam" addresses), **Exhibit L**

22   (defendant's IP address) and **Exhibit M** (Duane Morris law firm IP address) The

23   username/passwords of CollegeSource's paying subscribers, such as Bellmore

24   Memorial Library, are not for use by defendant's China Team, defendant and

25   defendant's law firm.   The Subscriber Terms of Use apply as well as the Catalog Terms

26   of Use and Website Terms of Use. CollegeSource's subscriber password for Bellmore

27   Memorial Library was used to access at least 125 CollegeSource catalogs with IP

28   addresses associated with defendant, its China Team or its law firm based upon

1   available server logs.

2   k.   Column L (IP - Santa Fe U/P) summarizes fields/data from CollegeSource

3   available server logs that show access to CollegeSource .pdf catalogs through the

4   unauthorized use of CollegeSource subscriber Santa Fe College's username/password

5   by IP addresses associated with defendant's "A1ChinaTeam" (denoted by a "c") ,

6   defendant (denoted by an "a") and defendant's law firm (denoted by a "d").   Excerpts

7   of entries from CollegeSource's available server logs showing access to .pdf catalogs

8   are reflected in **Exhibit K** ("A1ChinaTeam" addresses), **Exhibit L** (defendant's IP

9   address) and **Exhibit M** (Duane Morris law firm IP address) The username/passwords

10   of CollegeSource's paying subscribers, such as Santa Fe College, are not for use by

11   defendant's China Team, defendant and defendant's law firm.   The Subscriber Terms

12   of Use apply as well as the Catalog Terms of Use and Website Terms of Use.

13   CollegeSource's subscriber password for Santa Fe College was used to access at least

14   three (3) CollegeSource catalogs with IP addresses associated with defendant, its China

15   Team or its law firm based upon available server logs.

16   l.   Column M (IP - Catalink) summarizes fields/data from CollegeSource's

17   available server logs that show access to CollegeSource .pdf catalogs through

18   CollegeSource's Catalink service by IP addresses associated with defendant's

19   "A1ChinaTeam" (denoted by a "c"), defendant (denoted by an "a") and defendant's law

20   firm (denoted by a "d").   Excerpts of entries from CollegeSource's available server

21   logs showing access to .pdf catalogs are reflected in **Exhibit K** ("A1ChinaTeam"

22   addresses), **Exhibit L** (defendant's IP address) and **Exhibit M** (Duane Morris law firm

23   IP address).   Colleges subscribing to CollegeSource's Catalink service can place a link

24   on their websites that open .pdf catalogs residing on CollegeSource's server. A college

25   typically uses the Catalink service, so students can have access to prior years' catalogs

26   for that college.   Column M reflects instances of access to 60 CollegeSource .pdf

27   catalogs through Catalink by IP addresses associated with defendant, its China Team

28   and even its law firm. At a minimum, the Catalog Terms of Use apply, so downloading

1   catalogs for a competing, commercial use is prohibited.

2   m.   Column N (IP - FreeTrial) summarizes fields/data from CollegeSource's available

3   server logs that show access to CollegeSource .pdf catalogs through a Free Trial

4   subscription by IP addresses associated with defendant's "A1ChinaTeam" (denoted by a

5   "c") , defendant (denoted by an "a") and defendant's law firm (denoted by a "d").

6   Excerpts of entries from CollegeSource's available server logs showing access to .pdf

7   catalogs are reflected in **Exhibit K** ("A1ChinaTeam" addresses), **Exhibit L** (defendant's

8   IP address) and **Exhibit M** (Duane Morris law firm IP address). The Subscriber Terms of

9   Use apply as well as the Catalog Terms of Use and Website Terms of Use. Free Trial

10 username/passwords were used to access at least seven (7) CollegeSource catalogs with IP

11 addresses associated with defendant, its China Team or its law firm based upon available

12 server logs.

13   n.   Column O (IP Exploit Undetermined) summarizes fields/data from CollegeSource's

14 available server logs that show access to CollegeSource .pdf catalogs other than through

15 a subscriber username/password or Catalink by IP addresses associated with defendant's

16 "A1ChinaTeam" (denoted by a "c") , defendant (denoted by an "a") and defendant's law

17 firm (denoted by a "d").   Excerpts of entries from CollegeSource's available server logs

18 showing access to .pdf catalogs are reflected in **Exhibit K** ("A1ChinaTeam" addresses),

19 **Exhibit L** (defendant's IP address) and **Exhibit M** (Duane Morris law firm IP address).

20 The only non-subscriber access of .pdf catalogs on CollegeSource's server should be

21 through username/passwords and Catalink. Column O reflects instances of access to 578

22 CollegeSource .pdf catalogs through undetermined means by IP addresses associated with

23 defendant, its China Team and even its law firm. Thus, Column O represents potential

24 unauthorized "backdoor" access to .pdf files on CollegeSource's server.

25   11.   **Exhibit B** (collectiontargets) summarizes fields/data containing Internet addresses that

26 contain "www.collegesource.org" that are contained in the following voluminous Bates numbered

27 documents produced by defendant A1 and, where applicable, corresponding native files:

28

ACA-PA00023372 through ACA-PA00023406	"Course Catalog URL 3_27 08.xls" (not provided in native format)
ACA-PA00054879 through ACA-PA00054899	unknown spreadsheet, possibly "Sample for KTodd Catalog URL.xls" (not provided in native format)
ACA-PA00055204 through ACA-PA00055633	unknown spreadsheet (not provided in native format)
ACA-PA00067621 through ACA-PA00067677	unknown spreadsheet (not provided in native format)
ACA-PA00067680 through ACA-PA00067697	unknown spreadsheet (not provided in native format)
ACA-PA00005784 through ACA-PA00007221	"catalog_project 8_8_06.xls" (not provided in native format)
ACA-PA00007223 through ACA-PA00008660	"catalog_project 8_8_06.xls" (not provided in native format). NOTE: data cutoff at cell AE3411; probable missing data
ACA-PA00020020 through ACA-PA00021457	"catalog_project 8_8_06.xls" (not provided in native format)
ACA-PA00026946 through ACA-PA00028351	"PA_KY _IN_IL_NJ_DE_VA_WV_WA_NY MO.xls" (not provided in native format)
ACA-PA00040494 through ACA-PA00041211	unknown spreadsheet (not provided in native format)
ACA-PA00042711 through ACA-PA00043412	unknown spreadsheet (not provided in native format)
ACA-PA00048621 through ACA-PA00048694	unknown spreadsheet (not provided in native format)
ACA-PA00048695 through ACA-PA00048795	unknown spreadsheet (not provided in native format)
ACA-PA00049114 through ACA-PA00049345	"GA_GUAM_HI_MA_MARSHALL IS_MD_MI_MONTANA_OH_UT_VT_WI.xsl" (not provided in native format)
ACA-PA00049417 through ACA-PA00049552	"MI_OH_MA.xls" (not provided in native format)
ACA-PA00050366 through ACA-PA00051067	"PA_KY_IN_IL_NJ_DE_VA_WV_WA_NY_MO.xls" (not provided in native format)
ACA-PA00067706 through ACA-PA00067766	unknown spreadsheet (not provided in native format)
ACA-PA00079091 through ACA-PA00079590	unknown spreadsheet (not provided in native format)
ACA-PA00079591 through ACA-PA00080090	unknown spreadsheet (not provided in native format) NOTE: data cutoff at cell J3291; probable missing data
ACA-PA00083215 through ACA-PA00083270	unknown spreadsheet (not provided in native format)
ACA-PA00083273 through ACA-PA00083290	unknown spreadsheet (not provided in native format)
ACA-PA00083305 through ACA-PA00083365	unknown spreadsheet (not provided in native format)

1	ACA-PA3502	College_Catalog_List_Batch2.xls
2	ACA-PA3502	GA_GUAM_HI_MA_MARSHALL IS_MD_MI_MONTANA_OH_UT_VT_WI.xls
3	ACA-PA3502	List_error_Updated12042006.xls
4	ACA-PA3502	List_error_Updated12072006.xls
	ACA-PA3502	PA_KY_IN_IL_NJ_DE_VA_WV_WA_NY_MO_rev110706.xls
5	ACA-PA3502	PA_KY_IN_IL_NJ_DE_VA_WV_WA_NY_MO_rev111306.xls
6	ACA-PA3502	PA_KY_IN_IL_NJ_DE_VA_WV_WA_NY_MO_rev12042006.xls
7	ACA-PA3502	PA_KY_IN_IL_NJ_DE_VA_WV_WA_NY_MO_rev12052006.xls

12. **Exhibit C** (680 tab) summarizes fields/data contained in the following voluminous Bates numbered documents showing screen shots of defendant A1's website taken by CollegeSource showing the posting of CollegeSource .pdf catalogs:

CSI 000010.jpg	CSI 000135.jpg	CSI 000223.jpg	CSI 000258.jpg	CSI 000307.jpg
CSI 000015.jpg	CSI 000137.jpg	CSI 000224.jpg	CSI 000259.jpg	CSI 000308.jpg
CSI 000016.jpg	CSI 000139.jpg	CSI 000225.jpg	CSI 000260.jpg	CSI 000309.jpg
CSI 000017.jpg	CSI 000141.jpg	CSI 000226.jpg	CSI 000261.jpg	CSI 000310.jpg
CSI 000034.jpg	CSI 000143.jpg	CSI 000227.jpg	CSI 000262.jpg	CSI 000311.jpg
CSI 000036.jpg	CSI 000145.jpg	CSI 000228.jpg	CSI 000263.jpg	CSI 000323.jpg
CSI 000038.jpg	CSI 000147.jpg	CSI 000229.jpg	CSI 000264.jpg	CSI 000324.jpg
CSI 000042.jpg	CSI 000153.jpg	CSI 000230.jpg	CSI 000265.jpg	CSI 000346.jpg
CSI 000044.jpg	CSI 000155.jpg	CSI 000231.jpg	CSI 000266.jpg	CSI 000347.jpg
CSI 000046.jpg	CSI 000166.jpg	CSI 000232.jpg	CSI 000267.jpg	CSI 000348.jpg
CSI 000047.jpg	CSI 000168.jpg	CSI 000233.jpg	CSI 000268.jpg	CSI 000349.jpg
CSI 000049.jpg	CSI 000170.jpg	CSI 000234.jpg	CSI 000269.jpg	CSI 000357.jpg
CSI 000051.jpg	CSI 000172.jpg	CSI 000235.jpg	CSI 000270.jpg	CSI 000358.jpg
CSI 000053.jpg	CSI 000174.jpg	CSI 000236.jpg	CSI 000271.jpg	CSI 000359.jpg
CSI 000055.jpg	CSI 000176.jpg	CSI 000237.jpg	CSI 000272.jpg	CSI 000365.jpg
CSI 000057.jpg	CSI 000178.jpg	CSI 000238.jpg	CSI 000273.jpg	CSI 000366.jpg
CSI 000059.jpg	CSI 000180.jpg	CSI 000239.jpg	CSI 000274.jpg	CSI 000367.jpg
CSI 000095.jpg	CSI 000182.jpg	CSI 000240.jpg	CSI 000275.jpg	CSI 000369.jpg
CSI 000097.jpg	CSI 000184.jpg	CSI 000241.jpg	CSI 000276.jpg	CSI 000370.jpg
CSI 000099.jpg	CSI 000186.jpg	CSI 000242.jpg	CSI 000277.jpg	CSI 000371.jpg
CSI 000101.jpg	CSI 000188.jpg	CSI 000243.jpg	CSI 000278.jpg	CSI 000390.jpg
CSI 000108.jpg	CSI 000190.jpg	CSI 000244.jpg	CSI 000279.jpg	CSI 000391.jpg
CSI 000110.jpg	CSI 000202.jpg	CSI 000245.jpg	CSI 000288.jpg	CSI 000392.jpg
CSI 000112.jpg	CSI 000203.jpg	CSI 000246.jpg	CSI 000289.jpg	CSI 000416.jpg
CSI 000114.jpg	CSI 000204.jpg	CSI 000247.jpg	CSI 000290.jpg	CSI 000417.jpg
CSI 000116.jpg	CSI 000205.jpg	CSI 000248.jpg	CSI 000291.jpg	CSI 000418.jpg
CSI 000121.jpg	CSI 000206.jpg	CSI 000249.jpg	CSI 000292.jpg	CSI 000420.jpg
CSI 000123.jpg	CSI 000207.jpg	CSI 000250.jpg	CSI 000293.jpg	CSI 000421.jpg
CSI 000125.jpg	CSI 000208.jpg	CSI 000251.jpg	CSI 000300.jpg	CSI 000422.jpg
CSI 000126.jpg	CSI 000209.jpg	CSI 000252.jpg	CSI 000301.jpg	CSI 000423.jpg
CSI 000128.jpg	CSI 000210.jpg	CSI 000253.jpg	CSI 000302.jpg	CSI 000424.jpg
CSI 000131.jpg	CSI 000211.jpg	CSI 000254.jpg	CSI 000303.jpg	CSI 000425.jpg
CSI 000132.jpg	CSI 000220.jpg	CSI 000255.jpg	CSI 000304.jpg	CSI 000426.jpg
CSI 000133.jpg	CSI 000221.jpg	CSI 000256.jpg	CSI 000305.jpg	CSI 000427.jpg
CSI 000134.jpg	CSI 000222.jpg	CSI 000257.jpg	CSI 000306.jpg	CSI 000428.jpg

CSI 000430.jpg	CSI 000551.jpg	CSI 000705.jpg	CSI 000878.jpg	CSI 001844.jpg
CSI 000431.jpg	CSI 000556.jpg	CSI 000709.jpg	CSI 000879.jpg	CSI 001847.jpg
CSI 000432.jpg	CSI 000557.jpg	CSI 000710.jpg	CSI 000880.jpg	CSI 001848.jpg
CSI 000434.jpg	CSI 000558.jpg	CSI 000711.jpg	CSI 000881.jpg	CSI 001893.jpg
CSI 000443.jpg	CSI 000563.jpg	CSI 000712.jpg	CSI 000895.jpg	CSI 001919.jpg
CSI 000444.jpg	CSI 000564.jpg	CSI 000713.jpg	CSI 000896.jpg	CSI 001920.jpg
CSI 000445.jpg	CSI 000565.jpg	CSI 000714.jpg	CSI 000899.jpg	CSI 001921.jpg
CSI 000448.jpg	CSI 000567.jpg	CSI 000719.jpg	CSI 000900.jpg	CSI 001922.jpg
CSI 000449.jpg	CSI 000568.jpg	CSI 000720.jpg	CSI 000901.jpg	CSI 001923.jpg
CSI 000450.jpg	CSI 000569.jpg	CSI 000730.jpg	CSI 000902.jpg	CSI 001924.jpg
CSI 000455.jpg	CSI 000576.jpg	CSI 000734.jpg	CSI 000903.jpg	CSI 001925.jpg
CSI 000456.jpg	CSI 000577.jpg	CSI 000735.jpg	CSI 000904.jpg	CSI 001933.jpg
CSI 000457.jpg	CSI 000578.jpg	CSI 000736.jpg	CSI 000909.jpg	CSI 001934.jpg
CSI 000470.jpg	CSI 000579.jpg	CSI 000737.jpg	CSI 000910.jpg	CSI 001946.jpg
CSI 000471.jpg	CSI 000580.jpg	CSI 000738.jpg	CSI 000911.jpg	CSI 001947.jpg
CSI 000472.jpg	CSI 000581.jpg	CSI 000739.jpg	CSI 000912.jpg	CSI 001948.jpg
CSI 000473.jpg	CSI 000582.jpg	CSI 000747.jpg	CSI 000913.jpg	CSI 001949.jpg
CSI 000474.jpg	CSI 000583.jpg	CSI 000748.jpg	CSI 000914.jpg	CSI 001950.jpg
CSI 000475.jpg	CSI 000584.jpg	CSI 000749.jpg	CSI 000915.jpg	CSI 001951.jpg
CSI 000481.jpg	CSI 000585.jpg	CSI 000754.jpg	CSI 000922.jpg	CSI 001952.jpg
CSI 000482.jpg	CSI 000586.jpg	CSI 000755.jpg	CSI 000923.jpg	CSI 001960.jpg
CSI 000483.jpg	CSI 000587.jpg	CSI 000756.jpg	CSI 000924.jpg	CSI 001961.jpg
CSI 000485.jpg	CSI 000588.jpg	CSI 000764.jpg	CSI 000926.jpg	CSI 001962.jpg
CSI 000487.jpg	CSI 000589.jpg	CSI 000765.jpg	CSI 001628.tif	CSI 001988.jpg
CSI 000488.jpg	CSI 000590.jpg	CSI 000766.jpg	CSI 001629.tif	CSI 001989.jpg
CSI 000489.jpg	CSI 000591.jpg	CSI 000780.jpg	CSI 001647.tif	CSI 001990.jpg
CSI 000494.jpg	CSI 000592.jpg	CSI 000781.jpg	CSI 001648.tif	CSI 001991.jpg
CSI 000495.jpg	CSI 000593.jpg	CSI 000782.jpg	CSI 001656.tif	CSI 002003.jpg
CSI 000496.jpg	CSI 000594.jpg	CSI 000784.jpg	CSI 001657.tif	CSI 002004.jpg
CSI 000502.jpg	CSI 000595.jpg	CSI 000785.jpg	CSI 001687.tif	CSI 002005.jpg
CSI 000503.jpg	CSI 000610.jpg	CSI 000786.jpg	CSI 001688.tif	CSI 002007.jpg
CSI 000504.jpg	CSI 000611.jpg	CSI 000790.jpg	CSI 001698.tif	CSI 002008.jpg
CSI 000505.jpg	CSI 000612.jpg	CSI 000791.jpg	CSI 001699.tif	CSI 002009.jpg
CSI 000506.jpg	CSI 000619.jpg	CSI 000792.jpg	CSI 001713.tif	CSI 002016.jpg
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CSI 002279.jpg	CSI 002434.jpg	CSI 002699.jpg	CSI 002858.jpg	CSI 41570.jpg
CSI 002280.jpg	CSI 002436.jpg	CSI 002700.jpg	CSI 002860.jpg	CSI 41571.jpg
CSI 002281.jpg	CSI 002437.jpg	CSI 002701.jpg	CSI 002861.jpg	CSI 41572.jpg
CSI 002282.jpg	CSI 002438.jpg	CSI 002702.jpg	CSI 002862.jpg	CSI 41573.jpg
CSI 002283.jpg	CSI 002439.jpg	CSI 002703.jpg	CSI 002863.jpg	CSI 41574.jpg
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CSI 002291.jpg	CSI 002475.jpg	CSI 002708.jpg	CSI 002871.jpg	CSI 41579.jpg
CSI 002292.jpg	CSI 002477.jpg	CSI 002709.jpg	CSI 002888.jpg	CSI 41580.jpg

1	CSI 41581.jpg	CSI 41638.jpg	CSI 41698.jpg	CSI 41762.jpg	CSI 41819.jpg
	CSI 41582.jpg	CSI 41639.jpg	CSI 41699.jpg	CSI 41763.jpg	CSI 41820.jpg
2	CSI 41583.jpg	CSI 41640.jpg	CSI 41700.jpg	CSI 41764.jpg	CSI 41821.jpg
	CSI 41584.jpg	CSI 41641.jpg	CSI 41701.jpg	CSI 41765.jpg	CSI 41822.jpg
3	CSI 41585.jpg	CSI 41642.jpg	CSI 41702.jpg	CSI 41766.jpg	CSI 41823.jpg
	CSI 41586.jpg	CSI 41643.jpg	CSI 41703.jpg	CSI 41767.jpg	CSI 41824.jpg
4	CSI 41587.jpg	CSI 41644.jpg	CSI 41704.jpg	CSI 41768.jpg	CSI 41825.jpg
	CSI 41588.jpg	CSI 41645.jpg	CSI 41705.jpg	CSI 41769.jpg	CSI 41826.jpg
5	CSI 41589.jpg	CSI 41646.jpg	CSI 41706.jpg	CSI 41770.jpg	CSI 41827.jpg
	CSI 41590.jpg	CSI 41647.jpg	CSI 41707.jpg	CSI 41771.jpg	CSI 41828.jpg
6	CSI 41591.jpg	CSI 41648.jpg	CSI 41708.jpg	CSI 41772.jpg	CSI 41829.jpg
	CSI 41592.jpg	CSI 41649.jpg	CSI 41709.jpg	CSI 41773.jpg	CSI 41830.jpg
7	CSI 41594.jpg	CSI 41650.jpg	CSI 41710.jpg	CSI 41774.jpg	CSI 41831.jpg
	CSI 41595.jpg	CSI 41651.jpg	CSI 41711.jpg	CSI 41775.jpg	CSI 41832.jpg
8	CSI 41596.jpg	CSI 41652.jpg	CSI 41712.jpg	CSI 41776.jpg	CSI 41833.jpg
	CSI 41597.jpg	CSI 41653.jpg	CSI 41713.jpg	CSI 41777.jpg	CSI 41834.jpg
9	CSI 41598.jpg	CSI 41654.jpg	CSI 41714.jpg	CSI 41778.jpg	CSI 41835.jpg
	CSI 41599.jpg	CSI 41655.jpg	CSI 41716.jpg	CSI 41779.jpg	CSI 41836.jpg
10	CSI 41600.jpg	CSI 41656.jpg	CSI 41717.jpg	CSI 41780.jpg	CSI 41837.jpg
	CSI 41601.jpg	CSI 41657.jpg	CSI 41718.jpg	CSI 41781.jpg	CSI 41838.jpg
11	CSI 41602.jpg	CSI 41658.jpg	CSI 41719.jpg	CSI 41782.jpg	CSI 41839.jpg
	CSI 41603.jpg	CSI 41659.jpg	CSI 41720.jpg	CSI 41783.jpg	CSI 41840.jpg
12	CSI 41604.jpg	CSI 41660.jpg	CSI 41721.jpg	CSI 41784.jpg	CSI 41841.jpg
	CSI 41605.jpg	CSI 41661.jpg	CSI 41722.jpg	CSI 41785.jpg	CSI 41842.jpg
13	CSI 41606.jpg	CSI 41662.jpg	CSI 41723.jpg	CSI 41786.jpg	CSI 41843.jpg
	CSI 41607.jpg	CSI 41663.jpg	CSI 41724.jpg	CSI 41787.jpg	CSI 41844.jpg
14	CSI 41608.jpg	CSI 41664.jpg	CSI 41725.jpg	CSI 41788.jpg	CSI 41845.jpg
	CSI 41609.jpg	CSI 41665.jpg	CSI 41726.jpg	CSI 41789.jpg	CSI 41846.jpg
15	CSI 41610.jpg	CSI 41666.jpg	CSI 41731.jpg	CSI 41790.jpg	CSI 41847.jpg
	CSI 41611.jpg	CSI 41667.jpg	CSI 41734.jpg	CSI 41791.jpg	CSI 41848.jpg
16	CSI 41612.jpg	CSI 41668.jpg	CSI 41735.jpg	CSI 41792.jpg	CSI 41849.jpg
	CSI 41613.jpg	CSI 41669.jpg	CSI 41736.jpg	CSI 41793.jpg	CSI 41850.jpg
17	CSI 41614.jpg	CSI 41670.jpg	CSI 41737.jpg	CSI 41794.jpg	CSI 41851.jpg
	CSI 41615.jpg	CSI 41671.jpg	CSI 41738.jpg	CSI 41795.jpg	CSI 41852.jpg
18	CSI 41616.jpg	CSI 41672.jpg	CSI 41739.jpg	CSI 41796.jpg	CSI 41853.jpg
	CSI 41617.jpg	CSI 41673.jpg	CSI 41740.jpg	CSI 41797.jpg	CSI 41854.jpg
19	CSI 41618.jpg	CSI 41674.jpg	CSI 41741.jpg	CSI 41798.jpg	CSI 41855.jpg
	CSI 41619.jpg	CSI 41675.jpg	CSI 41742.jpg	CSI 41799.jpg	CSI 41856.jpg
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21	CSI 41622.jpg	CSI 41678.jpg	CSI 41745.jpg	CSI 41802.jpg	CSI 41861.jpg
	CSI 41623.jpg	CSI 41679.jpg	CSI 41746.jpg	CSI 41803.jpg	CSI 41863.jpg
22	CSI 41624.jpg	CSI 41680.jpg	CSI 41747.jpg	CSI 41804.jpg	CSI 41865.jpg
	CSI 41625.jpg	CSI 41681.jpg	CSI 41748.jpg	CSI 41805.jpg	CSI 41867.jpg
23	CSI 41626.jpg	CSI 41682.jpg	CSI 41749.jpg	CSI 41806.jpg	CSI 41869.jpg
	CSI 41627.jpg	CSI 41683.jpg	CSI 41750.jpg	CSI 41807.jpg	CSI 41870.jpg
24	CSI 41628.jpg	CSI 41684.jpg	CSI 41751.jpg	CSI 41808.jpg	CSI 41871.jpg
	CSI 41629.jpg	CSI 41685.jpg	CSI 41752.jpg	CSI 41809.jpg	CSI 41872.jpg
25	CSI 41630.jpg	CSI 41686.jpg	CSI 41753.jpg	CSI 41810.jpg	CSI 41873.jpg
	CSI 41631.jpg	CSI 41687.jpg	CSI 41754.jpg	CSI 41811.jpg	CSI 41874.jpg
26	CSI 41632.jpg	CSI 41688.jpg	CSI 41755.jpg	CSI 41812.jpg	CSI 41875.jpg
	CSI 41633.jpg	CSI 41689.jpg	CSI 41756.jpg	CSI 41813.jpg	CSI 41876.jpg
27	CSI 41634.jpg	CSI 41693.jpg	CSI 41757.jpg	CSI 41814.jpg	CSI 41877.jpg
	CSI 41635.jpg	CSI 41694.jpg	CSI 41759.jpg	CSI 41815.jpg	CSI 41878.jpg
28	CSI 41636.jpg	CSI 41695.jpg	CSI 41760.jpg	CSI 41816.jpg	CSI 41879.jpg
	CSI 41637.jpg	CSI 41697.jpg	CSI 41761.jpg	CSI 41818.jpg	CSI 41880.jpg

DECLARATION OF STAN NOVAK IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

CSI 41881.jpg	CSI 41940.jpg	CSI 41997.jpg	CSI 42059.jpg	CSI 42116.jpg
CSI 41882.jpg	CSI 41941.jpg	CSI 41998.jpg	CSI 42060.jpg	CSI 42117.jpg
CSI 41883.jpg	CSI 41942.jpg	CSI 41999.jpg	CSI 42061.jpg	CSI 42118.jpg
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CSI 41913.jpg	CSI 41969.jpg	CSI 42031.jpg	CSI 42089.jpg	CSI 42146.jpg
CSI 41914.jpg	CSI 41970.jpg	CSI 42032.jpg	CSI 42090.jpg	CSI 42147.jpg
CSI 41915.jpg	CSI 41971.jpg	CSI 42033.jpg	CSI 42091.jpg	CSI 42148.jpg
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CSI 41919.jpg	CSI 41975.jpg	CSI 42037.jpg	CSI 42095.jpg	CSI 42152.jpg
CSI 41920.jpg	CSI 41976.jpg	CSI 42038.jpg	CSI 42096.jpg	CSI 42153.jpg
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CSI 41937.jpg	CSI 41994.jpg	CSI 42056.jpg	CSI 42113.jpg	CSI 42170.jpg
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CSI 41939.jpg	CSI 41996.jpg	CSI 42058.jpg	CSI 42115.jpg	CSI 42172.jpg

CSI 42173.jpg	CSI 42214.jpg	CSI 42256.jpg	CSI 42296.jpg	CSI 42337.jpg
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CSI 42175.jpg	CSI 42216.jpg	CSI 42258.jpg	CSI 42298.jpg	CSI 42340.jpg
CSI 42176.jpg	CSI 42217.jpg	CSI 42259.jpg	CSI 42299.jpg	CSI 42342.jpg
CSI 42177.jpg	CSI 42218.jpg	CSI 42260.jpg	CSI 42300.jpg	CSI 42343.jpg
CSI 42178.jpg	CSI 42219.jpg	CSI 42261.jpg	CSI 42301.jpg	CSI 42344.jpg
CSI 42179.jpg	CSI 42220.jpg	CSI 42262.jpg	CSI 42302.jpg	CSI 42345.jpg
CSI 42180.jpg	CSI 42221.jpg	CSI 42263.jpg	CSI 42303.jpg	CSI 42346.jpg
CSI 42181.jpg	CSI 42222.jpg	CSI 42264.jpg	CSI 42304.jpg	CSI 42347.jpg
CSI 42182.jpg	CSI 42223.jpg	CSI 42265.jpg	CSI 42305.jpg	CSI 42348.jpg
CSI 42183.jpg	CSI 42224.jpg	CSI 42266.jpg	CSI 42306.jpg	CSI 42349.jpg
CSI 42184.jpg	CSI 42225.jpg	CSI 42267.jpg	CSI 42307.jpg	CSI 42350.jpg
CSI 42185.jpg	CSI 42226.jpg	CSI 42268.jpg	CSI 42308.jpg	CSI 42351.jpg
CSI 42186.jpg	CSI 42227.jpg	CSI 42269.jpg	CSI 42309.jpg	CSI 42352.jpg
CSI 42187.jpg	CSI 42228.jpg	CSI 42270.jpg	CSI 42310.jpg	CSI 42353.jpg
CSI 42188.jpg	CSI 42229.jpg	CSI 42271.jpg	CSI 42311.jpg	CSI 42354.jpg
CSI 42189.jpg	CSI 42230.jpg	CSI 42272.jpg	CSI 42312.jpg	CSI 42355.jpg
CSI 42190.jpg	CSI 42231.jpg	CSI 42273.jpg	CSI 42313.jpg	CSI 42356.jpg
CSI 42191.jpg	CSI 42232.jpg	CSI 42274.jpg	CSI 42314.jpg	CSI 42357.jpg
CSI 42192.jpg	CSI 42233.jpg	CSI 42275.jpg	CSI 42315.jpg	CSI 42358.jpg
CSI 42193.jpg	CSI 42234.jpg	CSI 42276.jpg	CSI 42316.jpg	CSI 42359.jpg
CSI 42194.jpg	CSI 42235.jpg	CSI 42277.jpg	CSI 42317.jpg	CSI 42360.jpg
CSI 42195.jpg	CSI 42236.jpg	CSI 42278.jpg	CSI 42319.jpg	CSI 42361.jpg
CSI 42196.jpg	CSI 42237.jpg	CSI 42279.jpg	CSI 42320.jpg	CSI 42362.jpg
CSI 42197.jpg	CSI 42238.jpg	CSI 42280.jpg	CSI 42321.jpg	CSI 42363.jpg
CSI 42198.jpg	CSI 42239.jpg	CSI 42281.jpg	CSI 42322.jpg	CSI 42364.jpg
CSI 42199.jpg	CSI 42240.jpg	CSI 42282.jpg	CSI 42323.jpg	CSI 42365.jpg
CSI 42200.jpg	CSI 42241.jpg	CSI 42283.jpg	CSI 42324.jpg	CSI 42366.jpg
CSI 42201.jpg	CSI 42242.jpg	CSI 42284.jpg	CSI 42325.jpg	CSI 42370.jpg
CSI 42202.jpg	CSI 42243.jpg	CSI 42285.jpg	CSI 42326.jpg	CSI 42372.jpg
CSI 42203.jpg	CSI 42244.jpg	CSI 42286.jpg	CSI 42327.jpg	CSI 42373.jpg
CSI 42204.jpg	CSI 42245.jpg	CSI 42287.jpg	CSI 42328.jpg	CSI 42374.jpg
CSI 42205.jpg	CSI 42246.jpg	CSI 42288.jpg	CSI 42329.jpg	CSI 42375.jpg
CSI 42206.jpg	CSI 42247.jpg	CSI 42289.jpg	CSI 42330.jpg	CSI 42376.jpg
CSI 42207.jpg	CSI 42248.jpg	CSI 42290.jpg	CSI 42331.jpg	CSI 42377.jpg
CSI 42208.jpg	CSI 42249.jpg	CSI 42291.jpg	CSI 42332.jpg	CSI 42378.jpg
CSI 42209.jpg	CSI 42250.jpg	CSI 42292.jpg	CSI 42333.jpg	CSI 42379.jpg
CSI 42210.jpg	CSI 42251.jpg	CSI 42293.jpg	CSI 42334.jpg	CSI 42380.jpg
CSI 42211.jpg	CSI 42252.jpg	CSI 42294.jpg	CSI 42335.jpg	CSI 42381.jpg
CSI 42212.jpg	CSI 42253.jpg	CSI 42295.jpg	CSI 42336.jpg	CSI 42384.jpg
CSI 42213.jpg	CSI 42254.jpg			CSI 42385.jpg
				CSI 42388.jpg
				CSI 42389.jpg
				CSI 42390.jpg
				CSI 42391.jpg

13.   **Exhibit D** (783 tab) summarizes fields/data for 783 .pdf catalogs contained on Bates number ACA-PA 4113-4125.

14.   **Exhibit E** (623 tab) summarizes fields/data for 623 .pdf catalogs contained in the Declaration of David Stanley, filed January 5, 2011 [PAW Docket No. 46-2] in opposition to

1   plaintiff's motion for preliminary injunction.

2   15.   **Exhibit F** (scrapingevidence tab) summarizes fields/data contained in documents

3   Bates numbered CSI 28199-28223, CSI 28658-28662, and CSI 30538-30565 which contain screen

4   shots of defendant A1's website showing the posting of CSI .pdf catalogs.

5   16.   **Exhibit G** (fileaccesshistories) summarizes fields/data that denote file paths and/or

6   directories named "CollegesSource Catalogs" and/or "CS Files" on defendant A1's computers in

7   documents produced by defendant A1 from voluminous records contained in Bates ACA-PA 3502

8   (Apple Server) for the following native files: files.MYD, files2.MYD and index5.dat.

9   17.   **Exhibit H** (A1pdfmetadata) summarizes fields/data from .pdf catalogs produced by

10   defendant A1 containing CollegeSource metadata ("author" field contained "Career Guidance

11   Foundation" or "CollegeSource, Inc.") from voluminous records contained in the

12   following Bates numbers:

13   D:\A1_ACA-DVDS2009\ACA-DVD-004\110246_1995_1996.pdf
               D:\A1_ACA-PA3502\ACDY004\ACDY004_DM2\211644_2000_2002.pdf
14   D:\A1_ACA-PA3502\ACDY004\ACDY004_DM2\211644_2002_2003.pdf
               D:\A1_ACA-PA3502\ACDY004\ACDY004_DM2\211644_1998_2000.pdf
15   D:\A1_ACA-PA3502\ACDY004\ACDY004_DM2\211644_2003_2005.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\162283_1995_1997.pdf
16   D:\A1_ACA-DVDS2009\ACA-DVD-007\444990_1995_1996.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-006\208822_1995_1996.pdf
17   D:\A1_ACA-DVDS2009\ACA-DVD-005\139931_1995_1996.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\155414_1994_1995.pdf
18   D:\A1_ACA-DVDS2009\ACA-DVD-005\170620_1999_2001.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-006\220613_1995_1996.pdf
19   D:\A1_ACA-DVDS2009\ACA-DVD-006\220613_1996_1997.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-004\106342_2000_2001.pdf
20   D:\A1_ACA-DVDS2009\ACA-DVD-004\118277_2002_2002.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\177995_2000_2001.pdf
21   D:\A1_ACA-DVDS2009\ACA-DVD-007\239309_1995_1997.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-006\217305_1995_1997.pdf
22   D:\A1_ACA-DVDS2009\ACA-DVD-006\218441_1995_1997.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\172033_1995_1997.pdf
23   D:\A1_ACA-DVDS2009\ACA-DVD-005\154235_1995_1997.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-004\122931_1999_2000.pdf
24   D:\A1_ACA-DVDS2009\ACA-DVD-005\167899_1994_1995.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\167899_1997_1998.pdf
25   D:\A1_ACA-DVDS2009\ACA-DVD-005\167899_1998_1999.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-005\167899_2000_2001.pdf
26   D:\A1_ACA-DVDS2009\ACA-DVD-005\167899_2002_2003.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-004\124113_1996_1998.pdf
27   D:\A1_ACA-DVDS2009\ACA-DVD-004\124113_1994_1996.pdf
               D:\A1_ACA-DVDS2009\ACA-DVD-006\182290_1995_1996.pdf
28   D:\A1_ACA-PA3502\ACDY004\ACDY004_DM2\211644_2003_2004.pdf

18.   **Exhibit I** (WATER) summarizes fields/data where course descriptions on defendant

A1's database contained the identical or substantially similar phrase:

> Copyright & Disclaimer Information: Copyright   1994, 1995, 1996, 1997,
> 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008.
> CollegeSource , Inc. and Career Guidance Foundation. CollegeSource digital
> catalogs are derivative works owned and copyrighted by CollegeSource, Inc.
> and Career Guidance Foundation.

from voluminous records contained in the following Bates numbers:

```
ACA-PA 00101555    CollegeSource.mdf (2/12/12)
ACA-PA 00002609    CAUpdate_B2v1.mdf (07/06/09)
ACA-PA 00002609    CAUpdate_B2v2.mdf (07/06/09)
ACA-PA 00002609    CAUpdate_B3v1.mdf (07/06/09)
ACA-PA 00002609    CAUpdate_B3v2.mdf (10/15/09)
ACA-PA 00002609    CAUpdate_B3v2.mdf (10/15/09)
ACA-PA 00002609    CAUpdate_B4v1.MDF (10/15/09)
```

19.   **Exhibit J** (SEED) summarizes fields/data for course descriptions on defendant A1's

database containing "seeds" (alternative spellings of words) from CollegeSource's .pdf catalogs from

voluminous records contained in the following Bates numbers and corresponding native files:

```
ACA-PA 00101555     CollegeSource.mdf (02/14/12)
ACA-PA 00002609     CAUpdate_B2v1.mdf (07/06/09)
ACA-PA 00002609     CAUpdate_B2v2.mdf (07/06/09)
ACA-PA 00002609     CAUpdate_B3v1.mdf (07/06/09)
ACA-PA 00002609     CAUpdate_B3v2.mdf (10/15/09)
ACA-PA 00002609     CAUpdate_B3v2.mdf (10/15/09)
ACA-PA 00002609     CAUpdate_B4v1.MDF (10/15/09)
CSI-PA 52022-53579
```

20.   **Exhibit K** summarizes fields/data from CollegeSource's available server logs

containing the "A1ChinaTeam" IP addresses.   **Exhibit P** contains excerpts of defendant A1's FTP

.log files on defendant's Apple Server (ACA-PA 3502) that refer to "▮▮▮▮▮▮▮▮" in connection with

the following 61 "A1ChinaTeam" IP Addresses:

No.	"▮▮▮▮▮▮▮" IP address	Defendant's Native Log Files Located on Its Apple Server (ACA-PA 3502)	Exhibit P (extracts of logs)
1		fzs-2010-02-07.log	p. 4
2		fzs-2010-01-03.log	p. 5
3		fzs-2009-11-05.log	p. 6
4		fzs-2008-12-04.log	p. 7

No.	"a1chinateam" IP address	Defendant's Native Log Files Located on Its Apple Server (ACA-PA 3502)	Exhibit P (extracts of logs)
5		fzs-2009-01-06.log	p. 8
6		fzs-2008-11-24.log	p. 9
7		fzs-2009-04-13.log	p. 10
8		fzs-2008-03-03.log	p. 11
9		fzs-2008-03-10.log	p. 12
10		fzs-2008-05-30.log	p. 13
11		fzs-2009-11-05.log, fzs-2009-11-04.log, fzs-2009-11-09.log, fzs-2009-11-08.log	p. 14
12		fzs-2009-02-18.log	p. 15
13		fzs-2008-05-06.log, fzs-2008-05-11.log	p. 16
14		fzs-2008-03-17.log	p. 17
15		fzs-2008-04-15.log	p. 18
16		fzs-2009-04-26.log	p. 19
17		fzs-2008-07-13.log	p. 20
18		fzs-2009-07-28.log	p. 21
19		fzs-2009-03-22.log	p. 22
20		fzs-2009-05-26.log	p. 23
21		fzs-2009-11-04.log	p. 24
22		fzs-2009-08-31.log	p. 25
23		fzs-2008-01-14.log	p. 26
24		fzs-2008-02-27.log	p. 27
25		fzs-2008-01-21.log	p. 28
26		fzs-2007-11-15.log, fzs-2007-11-14.log	p. 29
27		fzs-2008-03-24.log	p. 30
28		fzs-2007-11-19.log, fzs-2007-11-20.log, fzs-2007-11-22.log	p. 31
29		fzs-2007-12-25.log, fzs-2007-12-24.log	p. 32

No.	" ___ " IP address	Defendant's Native Log Files Located on Its Apple Server (ACA-PA 3502)	Exhibit P (extracts of logs)
30		fzs-2008-06-10.log	p. 33
31		fzs-2008-03-30.log	p. 34
32		fzs-2007-11-22.log	p. 35
33		fzs-2007-12-27.log	p. 36
34		fzs-2008-01-30.log	p. 37
35		fzs-2008-04-21.log	p. 38
36		fzs-2008-02-05.log	p. 39
37		fzs-2008-03-31.log	p. 40
38		fzs-2007-12-20.log, fzs-2007-12-21.log	p. 41
39		fzs-2007-07-17.log, fzs-2007-07-13.log, fzs-2007-07-19.log	p. 42
40		fzs-2007-02-17.log	p. 43
41		fzs-2007-04-09.log	p. 44
42		fzs-2007-05-28.log, fzs-2007-06-08.log, fzs-2007-06-11.log, fzs-2007-06-14.log	p. 45
43		fzs-2007-01-10.log, fzs-2007-01-11.log, fzs-2007-01-26.log	p. 46
44		fzs-2007-01-10.log, fzs-2007-01-25.log, fzs-2007-01-29.log, fzs-2007-01-26.log	p. 47
45		fzs-2007-02-13.log, fzs-2007-02-14.log	p. 48
46		fzs-2007-07-12.log	p. 49
47		fzs-2007-07-02.log, fzs-2007-07-06.log	p. 50
48		fzs-2007-06-29.log, fzs-2007-07-02.log, fzs-2007-07-03.log, fzs-2007-07-04.log	p. 51

No.	"_____" IP address	Defendant's Native Log Files Located on Its Apple Server (ACA-PA 3502)	Exhibit P (extracts of logs)
49		fzs-2007-03-08.log, fzs-2007-03-09.log, fzs-2007-03-22.log	p. 52
50		fzs-2007-03-22.log	p. 53
51		fzs-2007-06-21.log, fzs-2007-06-26.log	p. 54
52		fzs-2007-05-28.log fzs-2007-06-11.log fzs-2007-06-18.log fzs-2007-06-15.log	p. 55
53		fzs-2007-04-09.log	p. 56
54		fzs-2007-04-09.log fzs-2007-04-11.log fzs-2007-04-30.log	p. 57
55		fzs-2007-05-25.log	p. 58
56		fzs-2007-01-25.log	p. 59
57		fzs-2009-11-05.log	p. 60
58		fzs-2010-04-19.log	p. 61
59		fzs-2009-11-05.log	p. 62
60		fzs-2009-09-30.log	p. 63
61		fzs-2009-06-23.log	p. 64

21.   The Columns on **Exhibit K** (IP- A1ChinaTeam) reflect the following fields from CollegeSource's available server logs (non-highlighted) as well as summary fields for a particular CollegeSource server log entry as follows:

    a.   Column A (Date). This shows the date of the CollegeSource server log entry.

    b.   Column B (Time). This shows the time of the CollegeSource server log entry.

    c.   Column C (CSI project) (highlighted). This summarizes the CollegeSource project number extracted from Column K (csi-uri-stem) or L (csi-uri-query). A CollegeSource project number correlates to a specific .pdf catalog on CollegeSource's server.

    d.   Column D (IP-Bellmore) (highlighted).   This summarizes unauthorized access

1   of .pdf catalogs using the Bellmore Memorial Library username/password

2   characterized by a reference to "UPAuth=29842." Row 56 indicates that the first

3   access by an "a1ChinaTeam" IP address using the Bellmore Memorial Library

4   username/password was on January 10, 2007 at about 1:18 a.m. Row 8447 indicates

5   that the last access by an "a1ChinaTeam" IP address using the Bellmore Memorial

6   Library username/password was on May 28, 2009 at about 11:26 a.m.

7   e.   Column E (IP-SantaFe) (highlighted).   This summarizes unauthorized access

8   of .pdf catalogs using the Sante Fe College username/password characterized by a

9   reference to "UPAuth=28024." Row 204 indicates that the first access by an

10   "a1ChinaTeam" IP address using the Santa Fe College username/password was on

11   January 10, 2007 at about 5:39 a.m. Row 243 indicates that the last access by an

12   "a1ChinaTeam" IP address using the Santa Fe College was on January 10, 2007 at

13   about 7:15 a.m.

14   f.   Column F (IP-Catalink) (highlighted).   This summarizes access of .pdf

15   catalogs via Catalink characterized by a reference to "catalink.asp." As summarized

16   on **Exhibit A**, "A1ChinaTeam" IP Addresses only accessed four (4) .pdf catalogs via

17   Catalink. *See* **Exhibit K** Rows 246-248 (1/11/07), 250-255 (1/11/07-1/12/07) and

18   8409-8410 (4/12/09), 8448-8451 (8/26/09).

19   g.   Column G (IP-FreeTrial) (highlighted).   This summarizes access of .pdf

20   catalogs via a Free Trial subscription characterized by a reference to "FT Auth=0." As

21   summarized on **Exhibit A**, "A1ChinaTeam" IP Addresses only accessed three (3) .pdf

22   catalogs via a Free Trial. *See* **Exhibit K** Rows 7-9, 15-17, 21-23, 36-37, 39-40, 42-45

23   and 50-52 all reflecting access on January 8, 2007.

24   h.   Column H (IP-Exploit Undetermined) (highlighted).   This summarizes access

25   of .pdf catalogs other than through username/password or Catalink. Row 2 indicates

26   that the first access by an "a1ChinaTeam" IP address representing an exploit

27   undetermined on January 8, 2007 at about 3:14 a.m. Row 8446 indicates that the last

28   access by an "a1ChinaTeam" IP address representing an exploit undetermined was on

1   May 28, 2009 at about 11:26 a.m.

2   i.   Column J (cs-method). This reflects the "A1ChinaTeam" IP address

3   requesting information from CollegeSource's server when the reference is "GET" for

4   this log entry.

5   j.   Column K (cs-uri-stem). This reflects the specific information the

6   "A1ChinaTeam" IP address is accessing for this log entry. For instance, a reference to

7   "displayinfo/frame.asp" characterizes access to the CollegeSource catalog that

8   corresponds to the project number in Column L (cs-uri-query). A reference to a

9   "/cat209/110428.pdf" in Cell K9 refers to access to a catalog that corresponds to the

10   project number 110428.

11   k.   Column L (cs-uri-query). This reflects the specific request for information by

12   the "A1ChinaTeam" IP address for this log entry. For instance, the reference to

13   "projectid=110428" in Cell L2 characterizes a request by an "A1ChinaTeam" IP

14   address for the .pdf catalog that corresponds to project number 110428.

15   l.   Column M (c-ip). This reflects the specific "A1ChinaTeam" IP address for this

16   log entry.

17   m.   Column AA (FullPath). This reflects the specific CollegeSource server log

18   name for this log entry.

19   n.   Columns I, M, N, and P-Z are fields on CollegeSource's server logs "hidden"

20   using the Excel "hide" command. The data in these fields can be easily unhidden with

21   the Excel "unhide" command.

22   22.   **Exhibit L** (IP-66.252.98.234) summarizes fields/data from CollegeSource's available

23   server logs containing defendant's fixed/static IP address [redacted]. The Columns on **Exhibit L**

24   (IP-[redacted]) reflect the following fields from CollegeSource's available server logs (non-

25   highlighted) as well as summary fields for a particular CollegeSource server log entry as follows:

26   a.   Column A (Date). This shows the date of the CollegeSource server log entry.

27   b.   Column B (Time). This shows the time of the CollegeSource server log entry.

28   c.   Column C (CSI project) (highlighted). This summarizes the CollegeSource

1 project number extracted from Column K (csi-uri-stem) or L (csi-uri-query). A

2 CollegeSource project number correlates to a specific .pdf catalog on CollegeSource's

3 server.

4   d.   Column D (IP-Bellmore) (highlighted).   This summarizes unauthorized access

5 of .pdf catalogs using the Bellmore Memorial Library username/password

6 characterized by a reference to "UPAuth=29842." Rows 1096-1098 indicate that the

7 first and only access by defendant's IP address [REDACTED] using the Bellmore

8 Memorial Library username/password was on January 2, 2007 at about 8:36 p.m.

9   e.   Column E (IP-SantaFe) (highlighted).   This summarizes unauthorized access

10 of .pdf catalogs using the Sante Fe College username/password characterized by a

11 reference to "UPAuth=28024."   CollegeSource's available server logs do not show

12 defendant's IP address [REDACTED] used the Sante Fe College username/password.

13   f.   Column F (IP-Catalink) (highlighted).   This summarizes access of .pdf

14 catalogs via Catalink characterized by a reference to "catalink.asp." Row 11 indicates

15 that the first access by defendant's IP address [REDACTED] through Catalink was on

16 August 1, 2006 at 2:17 p.m. Row 3682 indicates that the last access by defendant's IP

17 address [REDACTED] through Catalink was on August 19, 2011 at 8:16 p.m.

18   g.   Column G (IP-FreeTrial) (highlighted).   This summarizes access of .pdf

19 catalogs via a Free Trial subscription characterized by a reference to "FT Auth=0."

20 Row 666 indicates that the first access by defendant's IP address 66.252.98.234

21 through a Free Trial subscription on November 6, 2006 at 4:21 p..m. Row 1127

22 indicates that the last access by defendant's IP address [REDACTED] through a Free

23 Trial on January 18, 2007 at 2:43 p.m.

24   h.   Column H (IP-Exploit Undetermined) (highlighted).   This summarizes access

25 of .pdf catalogs other than through username/password or Catalink. Row 2 indicates

26 that the first access by defendant's IP address [REDACTED] representing exploit

27 undetermined on July 25, 2006 at about 2:11 p.m. Row 3675 indicates that the last

28 access by defendant's IP address [REDACTED] representing an exploit undetermined

1   was on May 28, 2009 at about 9:21 p.m.

2   i.   Column J (cs-method). This reflects defendant's IP address 66.252.98.234

3   requesting information from CollegeSource's server when the reference is "GET" for

4   this log entry.

5   j.   Column K (cs-uri-stem). This reflects the specific information defendant's IP

6   address [   ] is accessing for this log entry. For instance, a reference to

7   "displayinfo/frame.asp" characterizes access to the CollegeSource catalog that

8   corresponds to the project number in Column L (cs-uri-query). A reference to a

9   "/cat209/111938.pdf" in Cell K9 refers to access to a catalog that corresponds to the

10   project number 111938.

11   k.   Column L (cs-uri-query). This reflects the specific request for information by

12   defendant's IP address [   ] for this log entry. For instance, the reference to

13   "projectid=111049" in Cell L2 characterizes a request by defendant's IP address

14   [   ] for the .pdf catalog that corresponds to project number 111049.

15   l.   Column M (c-ip). This reflects defendant's IP address [   ] for this

16   log entry.

17   m.   Column AA (FullPath). This reflects the specific CollegeSource server log

18   name for this log entry.

19   n.   Columns I, M, N, and P-Z are fields on CollegeSource's server logs "hidden"

20   using the Excel "hide" command. The data in these fields can be easily unhidden with

21   the Excel "unhide" command.

22   23.   **Exhibit M** (IP-12.144.20.254) summarizes fields/data from CollegeSource's available

23   server logs containing the Duane Morris law firm's fixed/static IP address 12.144.20.254. The

24   Columns on **Exhibit M** (IP-12.144.20.254) reflect the following fields from CollegeSource's

25   available server logs (non-highlighted) as well as summary fields for a particular CollegeSource

26   server log entry as follows:

27   a.   Column A (Date). This shows the date of the CollegeSource server log entry.

28   b.   Column B (Time). This shows the time of the CollegeSource server log entry.

c.   Column C (CSI project) (highlighted). This summarizes the CollegeSource project number extracted from Column K (csi-uri-stem) or L (csi-uri-query). A CollegeSource project number correlates to a specific .pdf catalog on CollegeSource's server.

d.   Column D (IP-Bellmore) (highlighted).   This summarizes unauthorized access of .pdf catalogs using the Bellmore Memorial Library username/password characterized by a reference to "UPAuth=29842." Rows 985-986 indicate that the first and only access by defendant's law firm's Duane Morris IP address 12.144.20.254 using the Bellmore Memorial Library username/password was on April 23, 2012 at about 6:41 p.m.

e.   Column E (IP-SantaFe) (highlighted).   This summarizes unauthorized access of .pdf catalogs using the Sante Fe College username/password characterized by a reference to "UPAuth=28024." CollegeSource's available server logs do not show access using the Sante Fe College username/password by defendant's law firm's Duane Morris IP address 12.144.20.254.

f.   Column F (IP-Catalink) (highlighted).   This summarizes access of .pdf catalogs via Catalink characterized by a reference to "catalink.asp." Defendant's law firm's Duane Morris IP address 12.144.20.254 gained access to CollegeSource's server via Catalink numerous times between June 5, 2009 and June 1, 2012.

g.   Column G (IP-FreeTrial) (highlighted).   This summarizes access of .pdf catalogs via a Free Trial subscription characterized by a reference to "FT Auth=0." CollegeSource's available server logs do not show access using a Free Trial username/password by defendant's law firm's Duane Morris IP address 12.144.20.254.

h.   Column H (IP-Exploit Undetermined) (highlighted).   This summarizes access of .pdf catalogs other than through username/password or Catalink. Defendant's law firm's Duane Morris IP address gained access to CollegeSource's servers through exploit undetermined means numerous times between June 8, 2009 and April 17, 2012.

i.   Column J (cs-method). This reflects defendant's law firm's Duane Morris IP address 12.144.20.254 requesting information from CollegeSource's server when the reference is "GET" for this log entry.

j.   Column K (cs-uri-stem). This reflects the specific information defendant's law firm's Duane Morris IP address 12.144.20.254 is accessing for this log entry. For instance, a reference to "displayinfo/frame.asp" characterizes access to the CollegeSource catalog that corresponds to the project number in Column L (cs-uri-query). A reference to a "/cat209/120257.pdf" in Cell K46 refers to access to a catalog that corresponds to the project number 120257.

k.   Column L (cs-uri-query). This reflects the specific request for information by defendant's law firm's Duane Morris IP address 12.144.20.254 for this log entry. For instance, the reference to "projectid=114567" in Cell L6 characterizes a request by defendant's law firm's Duane Morris IP address 12.144.20.254 for the .pdf catalog that corresponds to project number 114567.

l.   Column M (c-ip). This reflects defendant's law firm's Duane Morris IP address 12.144.20.254 for this log entry.

m.   Column AA (FullPath). This reflects the specific CollegeSource server log name for this log entry.

n.   Columns I, M, N, and P-Z are fields on CollegeSource's server logs "hidden" using the Excel "hide" command. The data in these fields can be easily unhidden with the Excel "unhide" command.

24.   With respect to **Exhibit K**, **Exhibit L** and **Exhibit M**, the summaries of CollegeSource's available server logs reflect the time periods January 1, 2005 to June 30, 2012, with certain gaps. CollegeSource does not have server logs for February 21, 2007 to April 30, 2007 and September 1, 2009 to December 30, 2009. As a result, **Exhibit K**, **Exhibit L** and **Exhibit M** have no data for the time periods February 21, 2007 to April 30, 2007 and September 1, 2009 to December 30, 2009 with respect to the 61 A1ChinaTeam IP addresses, defendant's IP address 66.252.98.234 and defendant's law firm's Duane Morris IP address 12.144.20.254.

Defendant Viewed The Terms of Use On CollegeSource's Website

25.   Using the CollegeSource available server log entries extracted for defendant's IP Address 66.252.98.234 [20120914-SearchResult(66 252 98 234).xlsx previously produced to defendant], I filtered the results for terms containing "copyright.asp" or "termsofuse.asp" to collect instances where CollegeSource's terms of use on its website had been accessed by defendant's IP address. My search indicated that CollegeSource's "Terms of Use" had been accessed by defendant's IP address on: (1) November 8, 2006; (2) May 16, 2008; (3) April 29, 2010; (4) April 29, 2010 and (5) August 10, 2010. A true and correct copy listing the search results is attached as **Exhibit N**.

Defendant Deleted Files from Its Apple Server (ACA-PA3502)

26.   I created an Excel Spreadsheet named JOURNAL_APPLE_NATIVE.xlsx ("Change Journal Spreadsheet") that compares the files listed in the Change Journal to the files actually received in the Apple Server (ACA-PA 3502) produced by defendant in discovery. The Change Journal Spreadsheet was previously provided to defendant's counsel. My calculations on the Change Journal Spreadsheet indicate 88,662 files once existed on the Apple Server that were deleted prior to its production in native format as ACA-PA 3502. **Exhibit O** is a listing of some of the more interesting names of files that were not produced on the Apple Server (ACA-PA 3502) produced in discovery. A print out of the Change Journal entries showing that those files were deleted on Monday, February 14, 2011 was created by extracting from the fifth tab (CHGJRNLallentries4MISSINGlist) of my spreadsheet.   The Change Journal indicates that most of those files were overwritten on Saturday, February 11, 2011 and then deleted on Monday, February 14, 2011.

27.   Using my Change Journal Spreadsheet, I tabulated over 14,000 files were deleted on Monday, February 14. 2011.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States. Executed this 11th day of October, 2012 at San Diego, California.

                                              s/s Stan Novak
                                              Stan Novak